IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 15790 of 2004

Between:

S. Jayanthi, D/o. Late Sudakar Reddy,
W/o. Amarasimha Reddy,

Occ: Junior Assistant,

Government Boys High School, Azampura-II,
R/o. M.C. 60, Malakpet Colony, Hyderabad-36.

..... PETITIONER

AND

1 The Joint Secretary,

Government General Administration (Accomodation)
Department, Secretariat, Government of Andhra Pradesh, Hyderabad.
2 The Estate Officer,. Hyderabad and Secunderabad, at Khairatabad,
Hyderabad - 500 004.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, directing the respondents herein not to take any steps seeking eviction of the petitioner and her family members from the Government quarter M.C.60, Malakpet Colony, till such time the authorities issued orders transferring the allotment of quarter M.C.60 in the name of the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice.

Counsel for the Petitioner:MR.N.VENKATARAYUDU
Counsel for the Respondents: GP FOR GENERAL ADMINISTRATION

The Court at the stage of admission made the following ORDER:

The petitioner's father was allotted a quarter in M.C.No.60 by the Government while he was in service. Subsequently, he secured voluntary retirement on account of medical invalidation. After securing voluntary retirement, he died on 19-10-1999. After his death, the request of the petitioner for appointing her on compassionate grounds was sympathetically considered and accordingly, she was given an appointment in Education Department on 26-09-2001 as Junior Assistant at the Government High School, Azampura-II. The petitioner, who is in occupation of the premises in question, had approached the respondents for transfer of the said quarter in her name since she is also eligible for allotment of a quarter. But the respondents rejected her request and tried to evict her from the quarter. Then, she filed WP.No.18427 of 1999 and obtained stay of eviction from the said quarter and the said writ petition was dismissed as withdrawn on
16-04-2004. Again, the respondents are insisting her to vacate the quarter. Hence, the present writ petition.

The learned counsel for the petitioner submits that the respondents agreed to consider the case of the petitioner for transfer of quarter in her name after withdrawal of the writ petition filed by her and since the withdrawal order do not indicate any liberty, as such granted to the petitioner, the respondents are insisting her to vacate the premises and therefore, the petitioner filed the present writ petition not to insist her to vacate the quarter and to transfer the quarter in her favour.

The submission made by the learned counsel for the petitioner that on promise made by the respondents, the petitioner had withdrawn the writ petition cannot be accepted.

Whether the petitioner is entitled for allotment of quarter that too on out of turn basis or not is a matter, which requires to be considered by the respondents. But the petitioner cannot squat over the quarter, which was initially allotted to her father while he was in service. In view of the same, allotment of a quarter as per the seniority is a matter of discretion, which has to be considered by the respondents. In view of the same, the respondents have to consider the case of the petitioner but no mandamus as such, can be issued to continue the petitioner in the said quarter.

With the above observations, the writ petition is disposed of. No costs.

3rd SEPTEMBER, 2004.

Kvni

To

1 The Joint Secretary,

Government General Administration (Accomodation)
Department, Secretariat, Government of Andhra Pradesh, Hyderabad.

2 The Estate Officer, Hyderabad and Secunderabad, at Khairatabad,
Hyderabad - 500 004.

3 Two CCs to the Government Pleader for General Administration, A.P.High Court Buildings, Hyderabad. (OUT)

4 Two CD copies.